



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE March 14, 2013	CONTACT/PHONE Brian Pedrotti 788-2788 bpedrotti@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2009-00009
SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend Title 22 of the County Code, and the Land Use Ordinance, to incorporate a Planned Development Ordinance. The requested modifications include: 1) an amendment of Title 22 to add new Section 22.22.145 – Planned Development, 2) add new Section 22.30.475 – Small-Lot Single-Family, 3) amend Section 22.22.140 – Cluster Divisions (related to Residential Single-Family), and 4) miscellaneous minor amendments to Title 22 to amend Sections 22.80.030 – Definitions, Section 22.06.030 (Table 2-2), Section 22.10.140.D.2.d (Planned development or cluster division), Section 22.22.080.D (Condominiums), Section 22.22.090, Section 22.22.100, Section 22.22.120, and Section 22.30.290 (Lodging).			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance Amendment LRP2009-00009 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY All	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) 1,3,4 & 5
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Inland Community Advisory Groups, Inland Community Services Districts, Public Works, Environmental Health, Agricultural Commissioner, County Parks, Cal Fire, Cal Trans, County Assessor's Office, Health Commission, Regional Water Quality Control Board, Air Pollution Control District, CA Fish & Game, US Fish and Wildlife Service, incorporated cities within San Luis Obispo County.			
TOPOGRAPHY: Not Applicable		VEGETATION: Not Applicable	
PROPOSED SERVICES: Not Applicable		AUTHORIZED FOR PROCESSING DATE: September 2009	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

PROJECT SUMMARY

On September 8, 2009, at a Board of Supervisors strategic planning meeting, the Board directed Planning and Building Department staff to prepare an amendment to the Land Use Ordinance, Title 22 of the County Code to create an ordinance governing Planned Developments. As proposed, the amendments will include the following:

Addition of the following sections to Title 22:

- Section 22.22.145 – Planned Developments
- Section 22.30.475 – Small-Lot Single-Family

Significant revisions to the following section of Title 22:

- Section 22.22.140 – Cluster Divisions

Minor clean-up revisions to the following sections of Title 22:

- Section 22.30.290 - Lodging - Hotels, Motels - Condominium or Planned Development
- Section 22.06.030 (Table 2-2)
- Section 22.10.140.D.2.d - Planned development or cluster division
- Section 22.22.080.D – Condominiums/Planned Developments
- Section 22.22.090
- Section 22.22.100
- Section 22.22.120
- Section 22.80 – Definitions

BACKGROUND AND HISTORY

Planned Developments in the County of San Luis Obispo are allowed through the application of a “common interest subdivision” pursuant to Section 1351 of the California Civil Code. The Civil Code defines a Planned Development as follows:

“A development (other than a community apartment project, a condominium project, or a stock cooperative) having a common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.”

Although Planned Developments are allowed through the Civil Code and have been used as a development tool to allow subdivisions with smaller lot sizes, the County of San Luis Obispo currently does not have an ordinance that specifically governs the application of Planned Development projects. The absence of an ordinance has created a problematic situation whereby developers do not have a clear direction of the required standards and the community has no yardstick with which to measure the subdivisions against. This has caused confusion and unequal application of the current ordinance provisions.

The intention of this ordinance is to maintain the flexibility that makes a Planned Development more compatible with the neighborhood, more financially feasible for the builder, and responsive to desirable characteristics such as walkability, energy efficiency, and water-conservation while providing more predictability for both developers and the community.

This flexibility intended through the Planned Development Ordinance is implemented when applying development standards to proposed common interest developments or common area maintenance projects. The purpose is to allow innovative and creative site planning and project design. The standards that are meant to incentivize creative design include: reduced minimum lot sizes and common area requirements, improved structural design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources. Although all of these standards can be individually addressed today, there are no standards by which to provide certainty to both developers and communities regarding their implementation.

Recognizing the unique relationship between the County's General Plan and Land Use Ordinance, proposed Planned Development projects will not constitute a change in the land use category, but rather are administered as common interest cluster subdivisions in accordance with Section 22.22.140. Planned Development projects would be allowed as a development tool in various residential, commercial, and industrial land use categories. In addition, the proposed amendments include the ability to develop small-lot single family residential developments with tailored site and architectural design parameters.

Community Outreach and Involvement

The Planned Development Ordinance package has had a significant amount of community involvement and input throughout the process. The ordinance was originally requested by the development community, and was placed high on the Board of Supervisor's priority list for completion. Staff met with the development community early and often, including regular meetings with the Homebuilder's Association and the Workforce Housing Coalition. Due to the various detailed sections required for the ordinance, a separate ad-hoc committee was formed consisting of local developers and architects to work directly with staff to draft the ordinance. The ordinance has been referred to all of the necessary County departments and outside agencies, as well as the inland advisory councils (as the ordinance only applies in the Inland areas of the County). Staff has provided presentations at several advisory councils for communities that could be most affected by the provisions of the proposed ordinance.

QUESTIONS AND HIGHLIGHTS

Where does the propose ordinance apply?

The Planned Development (PD) ordinance applies to land use categories that are primarily located within Urban Reserve Lines. These include Residential Single-Family, Residential Multi-Family, Recreation, Commercial Retail, Commercial Service, Office/Professional, and Industrial. The PD ordinance only applies to the Inland portions of the County and does not include the coastal areas.

The proposed ordinance does not affect existing ordinances relating to agricultural cluster subdivisions or other cluster subdivisions that are allowed in rural land use categories such as Residential Suburban, Residential Rural, Rural Lands, and Agriculture.

Development Potential and Density

Under the proposed ordinance, development will occur where it is already anticipated under the current land use categories. No new residential density is allowed under the proposed ordinance amendment. All applicable community Planning Area Standards will still control over these provisions. Further, all planned developments will be required to meet any the local community design plans and design guidelines.

Homeowner's Association

All Planned Developments are required to have a commonly owned lot or commonly held easement. The proposed ordinance, consistent with the California Civil Code, provides the option for a developer to either form a Homeowner's Association or record a common area maintenance agreement to ensure maintenance of the common area.

Primarily an Optional Development Tool

The proposed ordinance creates guidance for a type of development which is primarily an optional development tool for applicants. Applicants may continue to propose standard subdivisions and developments consistent with the provisions of the Land Use Ordinance. The only exceptions are the following:

- Cluster divisions within the Residential Single-Family, Residential Multi-Family, and Recreation land use categories will be processed as planned developments (meeting the design standards set forth in the PD ordinance); and
- Multi Family projects that are made up of detached single-family units that are proposed within the Residential Multi-Family land use category must comply with the Small Lot Single-Family standards.

Small-Lot Single-Family Ordinance

The proposed amendments include the addition of an ordinance governing small lot single-family developments, a type of Planned Development. These are generally located within Residential Single-Family and Residential Multi-Family land use categories, and include detached single-family style neighborhoods on smaller than 6,000 square foot lots. Several community concerns regarding these types of development have been noted over time, such as poor architectural design, limited common or open areas, and limited parking. The Small-Lot Single-Family ordinance is intended to address some of these concerns. As stated earlier, this remains an optional development tool except when detached single family units are requested in a Residential Multi-Family land use category.

Statement of Justification and Findings

To ensure that applicants are meeting the intention of the proposed ordinance, all applications will be required to include a "Statement of Justification". This includes a list of which development standards will need to be modified in order to allow a Planned Development to be approved, a list of project design features and amenities that represent innovative and creative site planning and project design, and a statement describing how the project achieves more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.

Proposed projects will also need to meet the findings listed in the ordinance, which include compliance with all ordinances and design guidelines, adequate services and utilities, neighborhood compatibility, the necessity of the modifications, and appropriate site characteristics, access, and traffic generation.

AUTHORITY

Land Use Ordinance Amendment

The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The following factors should be considered in making a decision.

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for communities. These principles implement the general goals that are stated in Chapter 1 of Framework for Planning, Part I of the Land Use Element.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:
 - a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
 - b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;
 - c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. Designs for proposed residential uses should include:
 - a. Provisions for privacy and usable open space;
 - b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.
3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The proposed Planned Development Ordinance package is consistent with these guidelines because it provides a tool that helps ensure the neighborhood compatibility of new development is maximized through application of flexible site planning. This includes requiring developers to provide justification for any relief from standard ordinance requirements and a statement of how the project will be innovative beyond standard development. Further, the ordinance guides cluster subdivisions, which help developers avoid sensitive site constraints while still maximizing development potential of a site. The flexibility inherent in a planned development can help achieve the use of energy efficient measures such as the use of natural light, ventilation, and shade. By definition of a common interest subdivision, development will be required to provide a common open space for the benefit of the owners. In addition, projects are required to be designed to provide for safe circulation, waste disposal and adequate parking.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed ordinance was reviewed for consistency with several pertinent Elements of the General Plan, including the Land Use Element, the Conservation and Open Space Element, the Economic Element, and the Housing Element of the County of San Luis Obispo's General Plan.

Framework for Planning - Principles and Policies

The relevant principles to the Planned Development Ordinance are listed below:

- Principle 3 – Foster distinctive, attractive communities with a strong sense of place.
- Principle 4 – Create walkable neighborhoods and towns.
- Principle 6 – Create a range of housing opportunities and choices.
- Principle 7 – Encourage mixed land uses.
- Principle 8 – Take advantage of compact building design.
- Principle 9 – Make development decisions predictable, fair and cost-effective.

The proposed ordinance amendments will help to implement a balance between environmental, economic and social equity concerns. The ordinance will maintain the flexibility that makes a Planned Development more compatible with the neighborhood, more financially feasible for the builder, and responsive to more desirable characteristics such as walkability, energy efficient, and water-conserving while providing more predictability for both developers and the community.

Economic Element

Goal EE 1 – Promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the county.

- Policy EE 1.3 – Balance the capacity for growth with the efficient use or reuse of available resources (energy, land, water, infrastructure) and reasonable acquisition of new resources.
- Policy EE 3.2 – Foster development that is compact and in reasonable proximity to necessary infrastructure and existing development.
- Policy EE 4.6 – Continue working toward improved predictability and competitiveness by simplifying and streamlining land use procedures and considering provision of incentives for development to locate where encouraged by general plan policies.

The proposed ordinance amendments provide a tool that is intended to foster a more predictable development process that also provides the flexibility to deal with realistic economic conditions. The ordinance includes several measures to help streamline projects and makes them more financially feasible, including the option for a Homeowner's Association or a common maintenance agreement.

Housing Element

Objective 1.0 – Facilitate development of 2,200 new housing units during the five-year time period beginning August 31, 2009, and implement Strategic (smart) Growth policies when planning and reviewing new development proposals to the maximum extent practicable.

- Policy HE 1.6 – Review proposed housing developments to provide safe and attractive neighborhoods through high quality architecture, site planning, and site amenities. Safe and attractive neighborhoods are not only beneficial to their residents, they also can improve public receptiveness to growth.
- Policy HE 1.9 – Encourage the use of Strategic (smart) Growth principles in development that create a range of housing choices, mix land uses, preserve open space, and focus development in urban areas.

- Policy HE 1.10 – Protect the existing supply of multi-family land to meet the needs of lower income households and the workforce, and avoid development of multi-family land at low residential densities or with non-residential land uses.
- Policy HE 1.11 – Promote development standards that encourage well-designed communities and resource conservation through efficient site design and sustainable materials. This policy is intended to benefit future residents through development of architecturally compatible neighborhoods and reduced negative environmental impacts.

The proposed ordinance amendments will encourage more creative and innovative site design and higher quality architecture for proposed planned developments. The proposed ordinance will help to implement the Strategic (smart) Growth principles in development consistent with the Policy in the Housing Element including providing a wider range of housing choices and mix of uses. The ordinance includes measures to ensure compatibility with existing adjacent residential land uses.

Conservation and Open Space Element

- Policy OS 1.8 –Land Divisions and Development. Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of properties.

The proposed ordinance amendments expand on existing provisions for cluster land divisions and cluster development to locate residential development on the least environmentally sensitive portions of properties by allowing the permitted density to use smaller lot sizes in exchange for common open areas.

CEQA REVIEW

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project is to amend the County Land Use Ordinance to include an ordinance governing Planned Developments as well as multiple amendments throughout to ensure document consistency. Planned Developments are currently allowed with little guidance to site parameters such as setbacks, heights, and open space. The proposed ordinance will provide this needed guidance, but will not change the allowed residential density or development potential that can already be achieved on any given site. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; and so the activity is not subject to CEQA.

STAFF COMMENTS

Proposed Ordinance Modifications

The attached Exhibit B shows the proposed Planned Development Ordinance (PDO) amendment deletions with strikeouts, and proposed additions with underlined text. The following is a summary discussion of the proposed amendments:

1. 22.06.030 (Table 2-2)

Added Small-Lot Single-Family to Table 2-2 as an A-2 use.

2. Section 22.10.140.D.2.d

Added reference to PDO (Section 22.22.145).

3. Section 22.22.080.D

Added “Planned Developments” to the title and reference to PD ordinance section.

4. Section 22.22.090

Added reference to PD ordinance section.

5. Section 22.22.100

Added reference to PD ordinance section.

6. Section 22.22.120 – Recreation Category

Clarified “Recreation” land use category, added “Planned Development” to the table, and added reference to PD ordinance section.

7. Section 22.22.140 – Cluster Division

Added the Residential Multi-Family (RMF) land use category as cluster option. Also clarifies that the density in the RMF is set by the ordinance section on Residential Density. Reduces the minimum lot size for a cluster division in RSF from 2,000 square feet to 1,750 square feet (which is the current allowed minimum site area) and sets the minimum open space consistent with the PD ordinance for Residential Single Family (RSF) and RMF. Includes table footnote that lots less than 2,000 square feet shall be allowed only for Small-Lot Single-Family developments. Requires that cluster subdivisions in RSF, RMF, and Recreation are planned developments. Identifies which structural uses are allowed in the common area of Planned Developments versus rural cluster subdivisions. Includes the following to state ownership of common parcel or easement, “The open space parcel shall be held in common by the homeowners, owned by one of the lot owners with an easement for the benefit of all lot owners, or dedicated in fee or partial fee title to a quasi-public agency.”

8. Section 22.22 – Land Divisions

Adds a new Section 22.22.145 – Planned Development.

9. Section 22.30.290 – Lodging section and Mobile Home Park conversions section

Added reference to PDO section.

10. Section 22.30 – Special Use Standards

Adds a new Section 22.30.475 – Small-Lot Single-Family.

11. Section 22.80.030 -- Definitions

Adds definitions of “Planned Developments”, “Small-Lot Single-Family”, and adds “planned developments” as part of the definition of “Multi-Family Dwellings (land use)”.

REFERRAL COMMENTS RECEIVED

HealSLO Coalition – Supportive of the proposed amendments (see attached letter dated December 14, 2012).

County Public Works – No comments.

City of Paso Robles – No comments.

Cal Fire – No comments.

COMMUNITY ADVISORY GROUP COMMENTS: The project was referred to all Inland Advisory Committees for comments. Comments both supporting and expressing concern were heard at these meetings. In particular, some members were concerned about increasing residential density, decreasing minimum lot sizes, parking, open space limitations, and how common areas were to be maintained in the long term. At the time of the staff report writing, no written comments had been received from advisory committees.

Staff response – The proposed ordinance amendments do not include any potential density increases over what is allowed today, nor is it proposing to decrease any current open space requirements. The ordinance will provide another option for open space maintenance.

ATTACHMENTS

In addition to the amending ordinance, staff has provided the Planning Commission an exhibit (Exhibit B) that shows the proposed changes without the required codified ordinance. This exhibit mimics the public review draft that was released and is easier to follow than the codified amending ordinance. The changes in both Exhibits B and C (the amending ordinance) are identical.

Exhibit A - Findings

Exhibit B - Proposed Land Use Ordinance Changes for Planned Development Ordinance package (Public Hearing Draft – March 2013)

Exhibit C – Amending Ordinance

EXHIBIT A - FINDINGS

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance will provide guidance to Planned Developments which are already allowed by the County Land Use Ordinance, but it will not change the allowed residential density or development potential that can already be achieved on any given site. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Amendment

- B. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element, the Economic Element, the Housing Element, and the Conservation and Open Space Element.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the amendments 1) provide a tool that helps ensure the neighborhood compatibility of new development is maximized through application of flexible site planning, 2) projects are required to provide justification for any relief from standard ordinance requirements and how the project will be innovative beyond standard development, 3) the ordinance guides cluster subdivisions, which help applicants avoid sensitive site constraints while still maximizing development potential of a site, 4) the flexibility inherent in a planned development can help achieve the use of energy efficient measures such as the use of natural light, ventilation, and shade, and 5) development will be required to provide a common open space for the benefit of the owners.
- D. The proposed amendments will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area because future planned development projects are required to be designed to provide for safe circulation, waste disposal, and parking and must meet health, fire and building codes.

Exhibit B

Proposed Land Use Ordinance Changes for Planned Development Ordinance package (Public Hearing Draft – March 2013)

New Planned Development Section

22.22.145 – Planned Development

This Planned Development Ordinance is intended to provide flexibility for applicants when applying development standards to proposed common interest developments or common area maintenance projects. The purpose is to allow consideration of innovative and creative site planning and project design that will enable the County to meet its Strategic Growth goals. These specific standards are meant to incentivize creative design and include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.

- A. **Where Allowed.** A Planned Development may be proposed on property within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories.
- B. **Residential and Mixed-Use Planned Developments.**
 - 1. Residential Planned Developments and any portion of Mixed-Use Planned Developments with a residential component within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, and Office & Professional land use categories shall meet the following site criteria:
 - a. **Minimum Lot Size.** As set forth in Section 22.22.140.D.
 - b. **Parking Design and Location.** All parking is subject to the following standards.
 - (1) Uncovered residential parking spaces shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.
 - (2) Shall be located in clusters of not more than six spaces. Each parking bay of six spaces shall be separated by at least a six-foot landscape area unless located under a covered structure, which would allow up to 10 spaces.
 - (3) All detached covered parking shall have a roof design that is consistent with the architecture of the primary structures. Flat or slightly pitched roofs may be used for solar access applications or where the architectural relationship to the overall design is compatible.
 - c. **Architectural Design.** For all Residential and Mixed-Use Planning Developments, the applicant shall ensure that projects are consistent with the

corresponding sections of the Countywide Design Guidelines and any relevant local design plans. All applications shall include a list of how the guidelines are met.

d. Front Setbacks. For new residential neighborhoods, front setbacks may be modified as follows:

- (1) 10 feet minimum for residential structure and 5 feet minimum for covered porches that front on a public street or internal private street. Setbacks for lots along a public or internal private street shall be varied and not all set at the minimum. All individual garages shall be setback a minimum of 16 feet for garages that face a public or internal private street and 10 feet for side loaded garages.
- (2) Where a project is within an existing residential neighborhood, front setbacks may be established consistent with Section 22.10.140.D.2.c, except where a smaller setback is established through the land use permit consistent with the context of the neighborhood and Subsection C.1.c.(1).

e. Common Community Gathering Area (CCGA). CCGA(s) available for use by the entire development shall be provided as follows and may be counted as required minimum open space consistent with Section 22.10.130.B.2.:

- (1) 250 square feet minimum per every two residential units.
- (2) Front setbacks and private open space shall not be counted as CCGA(s) but may be counted as required minimum open space consistent with Section 22.10.130.B.2.
- (3) Residential units that abut the CCGA shall be related to common area either through orientation of the main entry toward the CCGA(s) or through physical and visual connection to the common usable recreation area(s). CCGAs shall be located as centrally as possible, but may be located throughout a project with the objective of creating pleasant and convenient usable activity spaces. All units shall be within a minimum 300 feet walking distance of CCGA(s) and connected to the CCGA(s) by pedestrian access.
- (4) No CCGA is required for a project of five (5) residential units or less if the project is:
 - i. Located within ¼ mile (1,320 feet) walking distance of a public park or facility with public open space (i.e., public school); and
 - ii. Accessible to the public park or public open space by a dedicated pedestrian path such as a public sidewalk.

f. Common Community Gathering Area Landscaping. The maximum amount of irrigated turf shall be consistent with Chapter 22.16 (Landscaping Standards).

In addition, these gathering areas may include hardscape, planters, and common use amenities such as barbeques, tables and chairs, all in lieu of traditional turf.

g. Private Outdoor Open Space.

- (1) 175 square feet minimum per unit with one minimum dimension of 8 feet, and may include patios, decks, balconies, roof decks, and front porches where porches are not required by Section 22.30.475 (Small Lot Single-Family).
- (2) Shall be adjacent to each unit and be for the exclusive use of the residents of that unit.

h. Community Buildings/Facilities. Where a community building is available for use by the development, the following standards shall apply:

- (1) Shall be clearly incidental in use and size to the units.
- (2) Shall be commonly owned by property owners.
- (3) Shall be architecturally consistent with the project's residential units.

i. Fencing. Fencing for both the CCGAs and the private open space shall be designed as follows:

- (1) Fencing within the CCGA and in front yard private open space shall be consistent with Section 22.10.080. In no case shall fencing in these areas exceed four feet in height.
- (2) Fencing around side and rear yard private open space areas shall have a maximum height of six feet.
- (3) All fencing shall be wood, wrought-iron, wood-appearing material, plaster, decorative concrete, or stone. Fencing shall not be chain link.
- (4) Fencing, if over three feet in height, shall be broken-up with textural variety or architectural elements designed to add interest to the fencing. All fencing shall be compatible with the design theme of the project.

2. Detached Housing. Planned Developments in the Residential Multi-Family, Recreation, Commercial Retail, and Office & Professional land use categories that propose a single-family detached residential style of development (i.e. separated by 3 feet or greater) shall also be consistent with the standards of Section 22.30.475 (Small Lot Single-Family).

3. Secondary Dwellings. Secondary dwellings proposed in Planned Developments in the Residential Single-Family land use category may be located on parcels with a minimum lot size of 4,000 square feet with a request for an exception from the provisions of Section 22.30.470.E (Minimum Site Area) consistent with Section 22.30.020.D.

- C. **Commercial, Office, and Industrial Planned Developments.** Commercial, Office, and Industrial Planned Developments and the commercial/office/industrial component of Mixed-Use Planned Developments within the Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories shall meet the following standards:
1. **Site Planning.** Site planning shall include buildings, site landscaping and hardscape improvements designed to attract pedestrian movement, with vehicle circulation, storage and utilities located elsewhere on the perimeter. The use of plazas or courtyards as a means to enhance the pedestrian experience is encouraged.
 - a. Building entries shall be oriented so that pedestrian circulation is attractive and convenient. Sidewalks shall be separated from vehicle circulation and loading through the use landscaped areas or planters.
 - b. Work bays shall be oriented away from fronting streets, or screened by landscaping.
 - c. Parking lots shall be limited in size by separating them into sub-areas divided by landscaping or structures.
 - d. Building orientation shall take advantage of active and passive solar opportunities where feasible and practical.
 - e. Wherever feasible, site design shall avoid locating vehicle parking at the front of the lot between the buildings and the street.
 - f. The use of fences and walls shall be minimized except where required for screening outdoor storage and noise. When proposed, fences/walls shall be solid, attractive, two-sided, and designed for low maintenance, with materials and colors that are complementary to the building. No chain link fences with or without slats are allowed.
 2. **Common Open Space.** Common open space shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following shall not be considered usable common open space:
 - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
 - b. Dedicated streets, alleys and other public rights -of-way;
 - c. Vehicular drives, parking, loading and storage area; and
 - d. Irregular or unusable narrow strips of land less than ten (10) feet in width, unless such area is improved or planted with the expressed intent to be utilized as common open space.
 3. **Functional and Mechanical Features.** To the maximum extent practicable, exposed storage areas, trash and garbage containers, exposed machinery installations, service

areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the commercial, office, or industrial planned development and screened from public streets.

4. **Driveways, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior driveways and parking, special attention shall be given to the location and number of access points to the public streets, the width of interior driveways and access points, the general interior circulation, the separation of pedestrian and vehicular traffic, the adequate provision for service by emergency vehicles, and the arrangement of parking areas that are safe and convenient, and, insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

D. Required Findings for Approval. The Review Authority may approve a Planned Development only after first making all of the following findings in addition to the findings required by Section 22.62.060.C.4:

1. The project complies with all applicable provisions of these ordinance regulations other than those modified by this Section;
2. The modifications to the development standards are necessary and appropriate to accommodate the creative and thoughtful design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;
3. The project complies with all applicable County or Community design guidelines;
4. All public facilities, services, and utilities are adequate to serve the proposed project;
5. The location, size, site planning, building design features, and operating characteristics of the project are complimentary to the site and surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
6. The site is suitable for the project in terms of size, configuration, topography, and other applicable features, and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use.

E. Ownership and Maintenance. The common area of all Planned Developments shall be owned and maintained either by a Homeowner's Association or in common by the owners of the separate interests who have rights to the beneficial use and enjoyment of the common area through the use of a maintenance agreement.

F. Phasing. If the construction of the Planned Development is to occur in phases, the common recreation area and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given phase. At no

time during construction of the project shall the density of developed land exceed the overall density of the established land use category.

- G. Expiration.** Timeframes and time extensions for approved Planned Developments with concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved tentative map. Timeframes and time extensions for approved Planned Developments with no concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved Conditional Use Permit.
- H. Justification.** The initial application shall include an explanation of why the project is proposed as a Planned Development. This explanation shall include:
1. A list of which development standards will need to be modified in order to allow a Planned Development to be approved.
 2. A list of project design features and amenities that represent innovative and creative site planning and project design to enable the County to meet its Strategic Growth goals.
 3. A statement describing how the project achieves more effective and attractive pedestrian orientation enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.
- I. Requests for Modifications to Standards.** The Director may approve an Adjustment pursuant to Section 22.70.030 to the standards set forth in this section, provided the following criteria are met:
1. The site is constrained due to unusual slope, topography, easements, or sensitive areas.
 2. The modification is consistent with the objectives and intent of this Chapter.
 3. The modification meets the required findings set forth in in Subsection 22.22.145D.

New Small-Lot Single-Family Section

22.30.475 – Residential – Small-Lot Single-Family

In addition to complying with the Planned Development standards in Sections 22.22.145.B, Small-Lot Single-Family projects in the Residential Single-Family and Residential Multi-Family land use categories shall comply with the following standards:

- A. Minimum site area.** 6,000 square feet in Residential Single-Family.
- B. Parking.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Parking shall be provided as follows:

Size of Unit	Number of Parking Spaces
Units 800 square feet in size or less	1 space
Units 801 to 1,000 square feet in size	1.5 spaces
Units over 1,000 square feet in size	2 spaces

- C. Height.** The height of all structures shall be no greater than 28 feet.
- D. Second story.** Second story floor area cannot exceed 75 percent of first floor.
- E. Distance between structures.** Six feet minimum is required between all structures. Zero lot line designs are also allowable in accordance with Section 22.10.140.E.6.c.
- F. Attached Covered Porches.** The use of attached covered front porches is highly encouraged. If not proposed, the applicant shall include a request and explanation in the justification letter consistent with Subsection 22.22.145.H. Front porches shall be a minimum of 60 square feet.
- G. Common Community Gathering Area (CCGA).** In addition to the requirements for CCGA for Planned Developments in Section 22.22.145.B.1.e, CCGA shall be provided for Small-Lot Single Family developments as follows:
 - 1. 300 square feet minimum per unit.
 - 2. All units shall be a minimum 200 feet walking distance of CCGA.
- H. Storage.** For units with no dedicated enclosed parking, a storage area of a minimum of 100 cubic feet shall be provided for each unit. The storage may be attached to the dwellings or may be attached to a carport structure(s).

Revised Cluster Division Section

22.22.140 - Cluster Division

At the option of the land division applicant, the minimum parcel sizes established by this Chapter for the Rural Lands, Recreation, Residential Rural, Residential Suburban, ~~and Residential Single-Family, and Residential Multi-Family~~ categories may be decreased as provided by this Section.

- A. **Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060 through a public hearing held as set forth in Section 22.70.060, to occur at the same time as approval of a tentative map. Conditional Use Permit approval shall include conditions specifying a phasing schedule for the recordation of a final tract or parcel map, where applicable, the installation of required improvements and a date for termination of the entitlement in the event the use is not established within the specified schedule.
- B. **Determining the number of parcels that can be clustered.** The number of buildable lots allowed in a cluster division shall be determined through the use of the parcel size tests in Sections 22.22.050 et seq. applicable to the land use categories in which the site is located. In the Residential Multi-Family land use category, the density shall be equal to the density allowed by Section 22.10.130.B. Where a minimum parcel size for new land divisions or a density for multi-family development is set by planning area standard, the number of lots to be clustered shall be determined by dividing the total site area by the minimum parcel size or density specified in the planning area standard. The actual size of the clustered lots shall then be determined by Subsection D.
- C. **Density increase bonus.** The number of residential lots created by cluster division in the Residential Single-Family and Suburban categories within urban and village reserve lines may be increased from that resulting from application of the minimum parcel size standards of this Chapter by determining the allowed number of lots on the basis of gross density rather than net density, as follows:
 - 1. **Residential single-family.** One unit per 6,000 square feet of gross site area.
 - 2. **Residential suburban.** One unit per acre of gross site area.

The density bonus provided by this Section may be decreased by the Review Authority on the basis of specific site characteristics through the Conditional Use Permit approval, where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects.

- D. Lot size and open area requirements.** The minimum size of lots created through cluster division shall be as specified in the following table:

Land Use Category	Area of Buildable Lots ⁽¹⁾		
	Minimum ⁽²⁾	Maximum ⁽⁴⁾	Open Space Parcel Minimum Area ⁽³⁾
Rural Lands	1 Acre	10 Acres	90%
Recreation	6,000 Sq. Ft.	None	90% ⁽⁶⁾⁽⁷⁾
Residential Rural	20,000 Sq. Ft.	4 Acres	60%
Residential Suburban	10,000 Sq. Ft.	2.5 Acres	50%
Residential Single-Family	<u>1,750</u> 2,000 Sq. Ft. ⁽⁵⁾	6,000 Sq. Ft.	40% ⁽⁶⁾
<u>Residential Multi-Family</u>	<u>None</u>	<u>2,000 Sq. Ft.</u>	<u>As set forth in Section 22.10.130.B.2</u>

Notes:

- (1) Net area.
- (2) A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only when the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.
- (3) The minimum area is expressed as a percentage of the gross site area.
- (4) Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.
- (5) Lot sizes smaller than 2,000 square feet may be allowed only where the project is consistent with Section 22.30.475 (Small Lot Single-Family)
- (6) The minimum open space parcel shall include a CCGA as set forth in Section 22.22.145.B.1.e.
- (7) A cluster division proposed within the Recreation land use category shall meet the design requirements of Subsection B of Section 22.22.145.

- E. Planned Developments.** A cluster division proposed within the Residential Single-Family and Residential Multi-Family land use categories shall be processed as and shall meet the requirements of Subsections B., E., F., and G. of Section 22.22.145 (Planned Development).

E.F.Design standards.

1. **Open space parcel required.** A cluster division shall include at least one open space parcel. For land use categories other than Residential Single-Family and Multi-Family, such parcel may be used for one of the allowable residential units, provided that the building site does not exceed 6,000 square feet and is defined on the recorded map. Otherwise, the open space parcel shall not be developed with structural uses ~~other than~~ except as follows: (1) in the Rural Lands, Residential Rural and Residential Suburban land use categories: agriculture accessory buildings; (2) in the Recreation, Residential Single Family and Residential Multi-Family land use categories: community buildings, community residential accessory structures, parking structures, parking spaces and driveways. The open space parcel in all land use categories may be used for any of the

following: Crop production or range land; historic, archaeological, or wildlife preserves, water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use.

2. **Guarantee of open space.** The required open space parcel shall be maintained as open space as long as the clustered lots exist, or such other period designated through Conditional Use Permit approval. Such period shall be guaranteed by open space easement, ~~or dedication of fee or partial fee title to a public or quasi-public agency.~~ The open space parcel shall be held in common by the homeowners, owned by one of the lot owners with an easement for the benefit of all lot owners, or dedicated in fee or partial fee title to a quasi-public agency.
3. **Site design.**
 - a. Site disturbance shall be minimized by clustering, road location along contours, and building site selection.
 - b. Access to off-site roads shall be controlled, with parcels having access from interior roads wherever feasible.
 - c. Development shall be designed to be consistent with the character of the immediate surrounding areas as designated in the Land Use Element.
4. **Attached dwelling units.** A cluster division in the Residential Single-Family category may incorporate attached dwelling units with not more than two units per structure where approved by the Review Authority.

New Definitions

Multi-Family Dwellings (land use). Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as planned developments, condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

Planned Development. A development (other than a community apartment project, a condominium project, or a stock cooperative) having a common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

Small Lot Single Family (land use). A building or factory-built housing designed for /or occupied exclusively for residential occupancy where the consistent with the standards of this Title for Small Lot Single Family. Also includes attached ownership units using common wall development, a planned development, or cluster division.

Miscellaneous Section Revisions

Section 22.22.120 - Recreation Category

The minimum parcel size shall be determined by the Review Authority through Conditional Use Permit approval (Section 22.62.060), unless a specific minimum parcel size is applied by a planning area standard or through approval of a Specific Plan per Government Code Section 65450 et seq. The purpose of Conditional Use Permit review shall evaluate the appropriateness of a land division request on the basis of the type of development proposed and the character of the site vicinity. The minimum parcel size shall be within the range specified for the ~~recreation~~ Recreation land use category by Table N in Framework for Planning, Part I of the Land Use Element is as follows:

Location or Development Type	Minimum Parcel Size Range
Outside Urban and Village Areas	20 acres to one acre
Inside Urban and Village Areas	20 acres to 6,000 square feet
Condominiums / <u>Planned Development</u>	Common ownership parcel within the above specified range

The size of the new lots within the range specified by the Land Use Element as consistent with the Recreation land use category, shall be based on the design of the proposed development, the services provided, and the character of surrounding land uses consistent with Section 22.22.145.

Section 22.10.140.D.2.d

- d. **Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Sections 22.22.140 and 22.22.145), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code or Section 22.22.145, whichever is greater.

Section 22.22.080.D

- D. **Condominiums / Planned Development.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060 consistent with Sections 22.22.140 and/or 22.22.145 as applicable, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and
2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

Section 22.22.090

A commercial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance

with the provisions of this Section

Section 22.22.100

A industrial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance with the provisions of this Section

Section 22.30.290 - Lodging - Hotels, Motels - Condominium or Planned Development

The following standards apply to hotels and motels that are condominium or planned development projects as defined in Civil Code Section 1351. These standards apply in place of the standards of Section 22.22.145.

Section 22.30.290

E. Mobile home park condominiums. A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 22.22, to be determined by the Review Authority through Conditional Use Permit approval provided that the density of the units is in compliance with Subsection B. Mobile home park condominiums are also subject to the requirements of Subsection F in place of the standards of Section 22.22.145.

EXHIBIT C – LRP 2009-00009
Final Draft

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE
LAND USE ORDINANCE, CHAPTER 22.22 RELATING TO CLUSTER DIVISIONS,
PLANNED DEVELOPMENT PROJECTS AND OTHER RELATED CHANGES**

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.06.030 (Table 2-2) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Add “Small Lot Single Family” as an A2 use in the Residential Single Family (RSF) and Residential Multi-Family (RMF) land use categories and reference Section 22.30.475 in the Specific use Standards box.

SECTION 2. Section 22.10.140.D.2.d of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Sections 22.22.140 and 22.22.145), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code or Section 22.22.145, whichever is greater.

SECTION 3. Section 22.22.080.D. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- D. **Condominiums / Planned Development.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060 consistent with Sections 22.22.140 and/or 22.22.145 as applicable, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and
2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

SECTION 4. Section 22.22.090 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

A commercial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance with the provisions of this Section

SECTION 5. Section 22.22.100 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

A industrial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance with the provisions of this Section

SECTION 6. Section 22.22.120 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.22.120 - Recreation Category

The minimum parcel size shall be determined by the Review Authority through Conditional Use Permit approval (Section 22.62.060), unless a specific minimum parcel size is applied by a planning area standard or through approval of a Specific Plan per Government Code Section 65450 et seq. The purpose of Conditional Use Permit review shall evaluate the appropriateness of a land division request on the basis of the type of development proposed and the character of the site vicinity. The minimum parcel size shall be within the range specified for the ~~recreation~~ Recreation land use category by Table N in Framework for Planning, Part I of the Land Use Element is as follows:

Location or Development Type	Minimum Parcel Size Range
Outside Urban and Village Areas	20 acres to one acre
Inside Urban and Village Areas	20 acres to 6,000 square feet
Condominiums / <u>Planned Development</u>	Common ownership parcel within the above specified range

The size of the new lots within the range specified by the Land Use Element as consistent with the Recreation land use category, shall be based on the design of the proposed development, the services provided, and the character of surrounding land uses consistent with Section 22.22.145.

SECTION 7: Section 22.22.140 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.22.140 - Cluster Division

At the option of the land division applicant, the minimum parcel sizes established by this Chapter for the Rural Lands, Recreation, Residential Rural, Residential Suburban, ~~and~~ Residential Single-Family, and Residential Multi-Family categories may be decreased as provided by this Section.

- A. Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060 through a public hearing held as set forth in Section 22.70.060, to occur at the same time as approval of a tentative map. Conditional Use Permit approval shall include conditions specifying a phasing schedule for the recordation of a final tract or parcel map, where applicable, the installation of required improvements and a date for termination of the entitlement in the event the use is not established within the specified schedule.
- B. Determining the number of parcels that can be clustered.** The number of buildable lots allowed in a cluster division shall be determined through the use of the parcel size tests in Sections 22.22.050 et seq. applicable to the land use categories in which the site is located. In the Residential Multi-Family land use category, the density shall be equal to the density allowed by Section 22.10.130.B. Where a minimum parcel size for new land divisions or a density for multi-family development is set by planning area standard, the number of lots to be clustered shall be determined by dividing the total site area by the minimum parcel size or density specified in the planning area standard. The actual size of the clustered lots shall then be determined by Subsection D.
- C. Density increase bonus.** The number of residential lots created by cluster division in the Residential Single-Family and Suburban categories within urban and village reserve lines may be increased from that resulting from application of the minimum parcel size standards of this Chapter by determining the allowed number of lots on the basis of gross density rather than net density, as follows:

 - 1. Residential single-family.** One unit per 6,000 square feet of gross site area.
 - 2. Residential suburban.** One unit per acre of gross site area.

The density bonus provided by this Section may be decreased by the Review Authority on the basis of specific site characteristics through the Conditional Use Permit approval, where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects.

- D. Lot size and open area requirements.** The minimum size of lots created through cluster division shall be as specified in the following table:

Land Use Category	Area of Buildable Lots ⁽¹⁾		
	Minimum ⁽²⁾	Maximum ⁽⁴⁾	Open Space Parcel Minimum Area ⁽³⁾
Rural Lands	1 Acre	10 Acres	90%
Recreation	6,000 Sq. Ft.	None	90% ⁽⁶⁾⁽⁷⁾
Residential Rural	20,000 Sq. Ft.	4 Acres	60%
Residential Suburban	10,000 Sq. Ft.	2.5 Acres	50%
Residential Single-Family	<u>1,750</u> 2,000 Sq. Ft. ⁽⁵⁾	6,000 Sq. Ft.	40% ⁽⁶⁾
<u>Residential Multi-Family</u>	<u>None</u>	<u>2,000 Sq. Ft.</u>	<u>As set forth in Section 22.10.130.B.2</u>

Notes:

- (1) Net area.
- (2) A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only when the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.
- (3) The minimum area is expressed as a percentage of the gross site area.
- (4) Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.
- (5) Lot sizes smaller than 2,000 square feet may be allowed only where the project is consistent with Section 22.30.475 (Small Lot Single-Family)
- (6) The minimum open space parcel shall include a CCGA as set forth in Section 22.22.145.B.1.e.
- (7) A cluster division proposed within the Recreation land use category shall meet the design requirements of Subsection B of Section 22.22.145.

- E. Planned Developments.** A cluster division proposed within the Residential Single-Family and Residential Multi-Family land use categories shall be processed as and shall meet the requirements of Subsections B., E., F., and G. of Section 22.22.145 (Planned Development).

E.F. Design standards.

1. **Open space parcel required.** A cluster division shall include at least one open space parcel. For land use categories other than Residential Single-Family and Multi-Family, such parcel may be used for one of the allowable residential units, provided that the building site does not exceed 6,000 square feet and is defined on the recorded map. Otherwise, the open space parcel shall not be developed with structural uses ~~other than~~ except as follows: (1) in the Rural Lands, Residential Rural and Residential Suburban land use categories: agriculture accessory buildings; (2) in the Recreation, Residential Single Family and Residential Multi-Family land use categories: community buildings, community residential accessory structures, parking structures, parking spaces and driveways. The open space parcel in all land use categories may be used for any of the following: Crop production or range land; historic, archaeological, or wildlife preserves,

water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use.

2. **Guarantee of open space.** The required open space parcel shall be maintained as open space as long as the clustered lots exist, or such other period designated through Conditional Use Permit approval. Such period shall be guaranteed by open space easement, ~~or dedication of fee or partial fee title to a public or quasi-public agency.~~ The open space parcel shall be held in common by the homeowners, owned by one of the lot owners with an easement for the benefit of all lot owners, or dedicated in fee or partial fee title to a quasi-public agency.
3. **Site design.**
 - a. Site disturbance shall be minimized by clustering, road location along contours, and building site selection.
 - b. Access to off-site roads shall be controlled, with parcels having access from interior roads wherever feasible.
 - c. Development shall be designed to be consistent with the character of the immediate surrounding areas as designated in the Land Use Element.
4. **Attached dwelling units.** A cluster division in the Residential Single-Family category may incorporate attached dwelling units with not more than two units per structure where approved by the Review Authority.

SECTION 8: Chapter 22.22 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section 22.22.145 as follows:

22.22.145 – Planned Development

This Planned Development Ordinance is intended to provide flexibility for applicants when applying development standards to proposed common interest developments or common area maintenance projects. The purpose is to allow consideration of innovative and creative site planning and project design that will enable the County to meet its Strategic Growth goals. These specific standards are meant to incentivize creative design and include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.

- A. **Where Allowed.** A Planned Development may be proposed on property within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories.
- B. **Residential and Mixed-Use Planned Developments.**
 1. Residential Planned Developments and any portion of Mixed-Use Planned Developments with a residential component within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, and Office & Professional land use categories shall meet the following site criteria:

- a. **Minimum Lot Size.** As set forth in Section 22.22.140.D.
- b. **Parking Design and Location.** All parking is subject to the following standards.
 - (1) Uncovered residential parking spaces shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.
 - (2) Shall be located in clusters of not more than six spaces. Each parking bay of six spaces shall be separated by at least a six-foot landscape area unless located under a covered structure, which would allow up to 10 spaces.
 - (3) All detached covered parking shall have a roof design that is consistent with the architecture of the primary structures. Flat or slightly pitched roofs may be used for solar access applications or where the architectural relationship to the overall design is compatible.
- c. **Architectural Design.** For all Residential and Mixed-Use Planning Developments, the applicant shall ensure that projects are consistent with the corresponding sections of the Countywide Design Guidelines and any relevant local design plans. All applications shall include a list of how the guidelines are met.
- d. **Front Setbacks.** For new residential neighborhoods, front setbacks may be modified as follows:
 - (1) 10 feet minimum for residential structure and 5 feet minimum for covered porches that front on a public street or internal private street. Setbacks for lots along a public or internal private street shall be varied and not all set at the minimum. All individual garages shall be setback a minimum of 16 feet for garages that face a public or internal private street and 10 feet for side loaded garages.
 - (2) Where a project is within an existing residential neighborhood, front setbacks may be established consistent with Section 22.10.140.D.2.c, except where a smaller setback is established through the land use permit consistent with the context of the neighborhood and Subsection C.1.c.(1).
- e. **Common Community Gathering Area (CCGA).** CCGA(s) available for use by the entire development shall be provided as follows and may be counted as required minimum open space consistent with Section 22.10.130.B.2.:
 - (1) 250 square feet minimum per every two residential units.
 - (2) Front setbacks and private open space shall not be counted as CCGA(s) but may be counted as required minimum open space consistent with Section 22.10.130.B.2.

- (3) Residential units that abut the CCGA shall be related to common area either through orientation of the main entry toward the CCGA(s) or through physical and visual connection to the common usable recreation area(s). CCGAs shall be located as centrally as possible, but may be located throughout a project with the objective of creating pleasant and convenient usable activity spaces. All units shall be within a minimum 300 feet walking distance of CCGA(s) and connected to the CCGA(s) by pedestrian access.
- (4) No CCGA is required for a project of five (5) residential units or less if the project is:
 - i. Located within ¼ mile (1,320 feet) walking distance of a public park or facility with public open space (i.e., public school); and
 - ii. Accessible to the public park or public open space by a dedicated pedestrian path such as a public sidewalk.
- f. **Common Community Gathering Area Landscaping.** The maximum amount of irrigated turf shall be consistent with Chapter 22.16 (Landscaping Standards). In addition, these gathering areas may include hardscape, planters, and common use amenities such as barbeques, tables and chairs, all in lieu of traditional turf.
- g. **Private Outdoor Open Space.**
 - (1) 175 square feet minimum per unit with one minimum dimension of 8 feet, and may include patios, decks, balconies, roof decks, and front porches where porches are not required by Section 22.30.475 (Small Lot Single-Family).
 - (2) Shall be adjacent to each unit and be for the exclusive use of the residents of that unit.
- h. **Community Buildings/Facilities.** Where a community building is available for use by the development, the following standards shall apply:
 - (1) Shall be clearly incidental in use and size to the units.
 - (2) Shall be commonly owned by property owners.
 - (3) Shall be architecturally consistent with the project's residential units.
- i. **Fencing.** Fencing for both the CCGAs and the private open space shall be designed as follows:
 - (1) Fencing within the CCGA and in front yard private open space shall be consistent with Section 22.10.080. In no case shall fencing in these areas exceed four feet in height.
 - (2) Fencing around side and rear yard private open space areas shall have a maximum height of six feet.

- (3) All fencing shall be wood, wrought-iron, wood-appearing material, plaster, decorative concrete, or stone. Fencing shall not be chain link.
 - (4) Fencing, if over three feet in height, shall be broken-up with textural variety or architectural elements designed to add interest to the fencing. All fencing shall be compatible with the design theme of the project.
 - 2. **Detached Housing.** Planned Developments in the Residential Multi-Family, Recreation, Commercial Retail, and Office & Professional land use categories that propose a single-family detached residential style of development (i.e. separated by 3 feet or greater) shall also be consistent with the standards of Section 22.30.475 (Small Lot Single-Family).
 - 3. **Secondary Dwellings.** Secondary dwellings proposed in Planned Developments in the Residential Single-Family land use category may be located on parcels with a minimum lot size of 4,000 square feet with a request for an exception from the provisions of Section 22.30.470.E (Minimum Site Area) consistent with Section 22.30.020.D.
- C. **Commercial, Office, and Industrial Planned Developments.** Commercial, Office, and Industrial Planned Developments and the commercial/office/industrial component of Mixed-Use Planned Developments within the Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories shall meet the following standards:
- 1. **Site Planning.** Site planning shall include buildings, site landscaping and hardscape improvements designed to attract pedestrian movement, with vehicle circulation, storage and utilities located elsewhere on the perimeter. The use of plazas or courtyards as a means to enhance the pedestrian experience is encouraged.
 - a. Building entries shall be oriented so that pedestrian circulation is attractive and convenient. Sidewalks shall be separated from vehicle circulation and loading through the use landscaped areas or planters.
 - b. Work bays shall be oriented away from fronting streets, or screened by landscaping.
 - c. Parking lots shall be limited in size by separating them into sub-areas divided by landscaping or structures.
 - d. Building orientation shall take advantage of active and passive solar opportunities where feasible and practical.
 - e. Wherever feasible, site design shall avoid locating vehicle parking at the front of the lot between the buildings and the street.
 - f. The use of fences and walls shall be minimized except where required for screening outdoor storage and noise. When proposed, fences/walls shall be solid, attractive, two-sided, and designed for low maintenance, with materials and colors that are complementary to the building. No chain link fences with or without slats are allowed.

2. **Common Open Space.** Common open space shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following shall not be considered usable common open space:
 - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
 - b. Dedicated streets, alleys and other public rights -of-way;
 - c. Vehicular drives, parking, loading and storage area; and
 - d. Irregular or unusable narrow strips of land less than ten (10) feet in width, unless such area is improved or planted with the expressed intent to be utilized as common open space.
 3. **Functional and Mechanical Features.** To the maximum extent practicable, exposed storage areas, trash and garbage containers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the commercial, office, or industrial planned development and screened from public streets.
 4. **Driveways, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior driveways and parking, special attention shall be given to the location and number of access points to the public streets, the width of interior driveways and access points, the general interior circulation, the separation of pedestrian and vehicular traffic, the adequate provision for service by emergency vehicles, and the arrangement of parking areas that are safe and convenient, and, insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. **Required Findings for Approval.** The Review Authority may approve a Planned Development only after first making all of the following findings in addition to the findings required by Section 22.62.060.C.4:
1. The project complies with all applicable provisions of these ordinance regulations other than those modified by this Section;
 2. The modifications to the development standards are necessary and appropriate to accommodate the creative and thoughtful design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;
 3. The project complies with all applicable County or Community design guidelines;
 4. All public facilities, services, and utilities are adequate to serve the proposed project;
 5. The location, size, site planning, building design features, and operating characteristics of the project are complimentary to the site and surrounding neighborhood, and will be

compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;

6. The site is suitable for the project in terms of size, configuration, topography, and other applicable features, and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use.
- E. Ownership and Maintenance.** The common area of all Planned Developments shall be owned and maintained either by a Homeowner's Association or in common by the owners of the separate interests who have rights to the beneficial use and enjoyment of the common area through the use of a maintenance agreement.
- F. Phasing.** If the construction of the Planned Development is to occur in phases, the common recreation area and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given phase. At no time during construction of the project shall the density of developed land exceed the overall density of the established land use category.
- G. Expiration.** Timeframes and time extensions for approved Planned Developments with concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved tentative map. Timeframes and time extensions for approved Planned Developments with no concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved Conditional Use Permit.
- H. Justification.** The initial application shall include an explanation of why the project is proposed as a Planned Development. This explanation shall include:
1. A list of which development standards will need to be modified in order to allow a Planned Development to be approved.
 2. A list of project design features and amenities that represent innovative and creative site planning and project design to enable the County to meet its Strategic Growth goals.
 3. A statement describing how the project achieves more effective and attractive pedestrian orientation enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.
- I. Requests for Modifications to Standards.** The Director may approve an Adjustment pursuant to Section 22.70.030 to the standards set forth in this section, provided the following criteria are met:
1. The site is constrained due to unusual slope, topography, easements, or sensitive areas.
 2. The modification is consistent with the objectives and intent of this Chapter.
 3. The modification meets the required findings set forth in in Subsection 22.22.145D.

SECTION 9: Chapter 22.30.290 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.30.290 - Lodging - Hotels, Motels - Condominium or Planned Development

The following standards apply to hotels and motels that are condominium or planned development projects as defined in Civil Code Section 1351. These standards apply in place of the standards of Section 22.22.145.

SECTION 10: Chapter 22.30.290 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

E. Mobile home park condominiums. A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 22.22, to be determined by the Review Authority through Conditional Use Permit approval provided that the density of the units is in compliance with Subsection B. Mobile home park condominiums are also subject to the requirements of Subsection F in place of the standards of Section 22.22.145.

SECTION 11: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section 22.30.475 as follows:

22.30.475 – Residential – Small-Lot Single-Family

In addition to complying with the Planned Development standards in Sections 22.22.145.B, Small-Lot Single-Family projects in the Residential Single-Family and Residential Multi-Family land use categories shall comply with the following standards:

- A. Minimum site area.** 6,000 square feet in Residential Single-Family.
- B. Parking.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Parking shall be provided as follows:

Size of Unit	Number of Parking Spaces
Units 800 square feet in size or less	1 space
Units 801 to 1,000 square feet in size	1.5 spaces
Units over 1,000 square feet in size	2 spaces

- C. Height.** The height of all structures shall be no greater than 28 feet.
- D. Second story.** Second story floor area cannot exceed 75 percent of first floor.
- E. Distance between structures.** Six feet minimum is required between all structures. Zero lot line designs are also allowable in accordance with Section 22.10.140.E.6.c.
- F. Attached Covered Porches.** The use of attached covered front porches is highly encouraged. If not proposed, the applicant shall include a request and explanation in the justification letter consistent with Subsection 22.22.145.H. Front porches shall be a minimum of 60 square feet.

- G. Common Community Gathering Area (CCGA).** In addition to the requirements for CCGA for Planned Developments in Section 22.22.145.B.1.e, CCGA shall be provided for Small-Lot Single Family developments as follows:
1. 300 square feet minimum per unit.
 2. All units shall be a minimum 200 feet walking distance of CCGA.
- H. Storage.** For units with no dedicated enclosed parking, a storage area of a minimum of 100 cubic feet shall be provided for each unit. The storage may be attached to the dwellings or may be attached to a carport structure(s).

SECTION 12: Chapter 22.80.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Multi-Family Dwellings (land use). Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as planned developments, condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

Planned Development. A development (other than a community apartment project, a condominium project, or a stock cooperative) having a common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

Small Lot Single Family (land use). A building or factory-built housing designed for /or occupied exclusively for residential occupancy where the consistent with the standards of this Title for Small Lot Single Family. Also includes attached ownership units using common wall development, a planned development, or cluster division.

SECTION 13. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 14. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections,

subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 15: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2012, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

COMMENTS REGARDING PROPOSED PLANNED DEVELOPMENT ORDINANCE, EXHIBIT C-LRP 2009-00009

Prepared by: Dan Lloyd, February 25, 2013

1. SECTION 7: 22.22.140.C.

This section provides that the "Review Authority" may decrease the density *"where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects"*. This language is too subjective when considering that all of the other criteria for design, open space, community gathering areas and similar requirements will have a beneficial effect on the acceptability of the project to the Review Authority.

Suggested Modification:

Remove the paragraph following item C.2. The Review Authority already has the authority to reject a project based on similar findings found within the Land Use Ordinance.

2. SECTION 8: 22.22.145.B.1.d.(1)

The second sentence of this paragraph states *"All individual garages shall be setback a minimum of 16 feet for garages that face a public or internal private street and 10 feet for side loaded garages"*. This is acceptable where a new unit FACES a street. However, where a garage takes access from an internal drive isle or access court, another standard should be applied to allow for the garages to be set closer to the drive aisle where a vehicle would not be able to park in front of the garage, thereby blocking the drive aisle.

Suggested Modification:

Add the following language to that paragraph. *"Where garages face an internal drive aisle or drive court for the provision of vehicular access, the garage shall be setback from the drive aisle a maximum of 5 feet or a minimum of 16 feet (nothing in between)"*.

3. SECTION 8: 22.22.145.D.

This section addresses the findings to be made when approving a new project. Many of them are redundant or repetitive. For example, finding number 5 and 6 are already covered by findings 1, 2, 3, and 4. By having too many finding that are essentially the same as one another, the process for determining compliance becomes too cumbersome and confusing.

Suggested Modification:

Remove findings 5 and 6.

4. SECTION 11: 22.30.475.C.

This section addresses the height of structures. Since the goal of the PD Ordinance is to accommodate the County's Strategic Growth objectives and provide more housing opportunities within already developed urban areas, height becomes an important design tool. This section limits height to 28 feet. A more accommodating position should be encouraged that allows for the creative use of height when recognizing that smaller footprints for new residential structures are a reality, thus necessitating accommodation policies that offer options for achieving more livable units.

Suggested Modification:

This section should be modified as follows: *"The height of all new residential structures of up to three stories shall be no greater than 34 feet, with the provision that that up to 40% of the roof area may exceed 34 feet for gable or pitched roof construction or other architectural projections".*

5. SECTION 11: 22.30.475.D

This section addresses the floor area of the second story. The requirement to limit the second story to 75% of the first floor is counterproductive and would actually create new units that will be constrained in size and livability. Rather, if the goal is to provide some limitation on massing or add articulation to the façade of new structures, then we should be addressing that issue with character statements, not by increasing the structural complexity of new buildings and reducing the cost effectiveness of housing. This 75% limitation may be an appropriate standard for the third story of a new structure, but not on the second story.

Suggested Modification:

This section should be modified as follows: *"**Second and Third Story.** The second story floor area shall not exceed 100% of the first floor. The third story floor area shall not exceed 75% of the first floor. In an effort to enhance the attractiveness of new residential units, the architectural design of new units shall incorporate design elements that break-up the exterior planes and add interest and relief to the overall form of the building".*



Brian Pedrotti
Department of Planning and Building
976 Osos Street Rm. 200
San Luis Obispo, CA 93408
March 6, 2013

Reference: LRP2009-00009 Planned Developments, County-wide Referral

Dear Mr. Pedrotti,

We believe this ordinance is really intended to gut the application of setbacks, height, open space, and other development standards.

Our position regarding this has not changed. We do not want smaller minimum lot sizes, and we do not want clustering. While the latter sounds good on paper, it does not work out as planned. almost two decades of observation shows "Open space" parcels, left to the oversight of Homeowners' associations are prone to neglect and liability issues and open to future "reconsideration" by Planning in the direction of further subdivision and development. See the loose standards for maintenance of "open space" illustrated by item F1 discussed below.

Page 4 of 23, Item F1: **Design Standards.** Open Space parcel required the open space parcel shall not be developed with structural uses **except** as follows: (1) in the Rural Lands, Residential Rural and Residential Suburban land use categories, agriculture accessory buildings: (2) in the Recreation Residential Suburban Single Family and Residential Multi-Family land use categories: community buildings, community residential accessory structures, parking structures, parking spaces and driveways.

Parking structures, parking spaces, or driveways are not open spaces compatible for children to play in, to toss a frisbee, or get together for an outdoor portable barbeque. This is a misuse of what open space is supposed to provide.

Page 5 of 13 – Item 2. Guarantee of open space. The required open space parcel shall be maintained as open space as long as the clustered lots exist, or such other period designated through Conditional Use Permit approval. Such period shall be guaranteed by open space easement. The open space parcel shall be held in common by the homeowners, owned by one of the lot owners with an easement for the benefit of all lot owners, or dedicated in fee or partial fee title to a quasi-public agency. This negates the “perpetuity” that was the rule.

Remember that Homeowners Associations and/or CC&Rs are only as strong as the leaders. Court action brought by the homeowners seldom happens. We cannot count on Homeowner organizations to maintain the open space.

Finally, the County does not enforce any violation of the restrictions on "open space parcels." An example is Callender Grove, where owners are not allowed to erect anything on their “open space” half acre, yet four owners have built walls on their portion of the "open space," and the county has not forced the owners to remove them in spite of complaints by locals.

Under 22.22.140: Cluster Division:

Page 4 of 23, Item D: Lot size: There is no reason why Residential Single-Family buildable lots SF should be lowered from 2,000 sq. ft. to 1,750 sq. ft. We do not desire the creation of another Los Angeles County.

The intention to provide flexibility in the application of setbacks, height

and other development standards, provides loopholes that undo any good intentions.

22.22.145 Planned Development. These specific standards are meant to provide an incentive for creative design yet, ultimately, include reduced minimum lot sizes and reduced common areas. This goes against all our community goals.

For these reasons, the SCAC does not recommend supporting the proposed modifications to development standards in this ordinance.

By direction of the South County Advisory Council,

Istar Holliday, Corresponding Secretary



P.O. Box 293, San Luis Obispo, CA 93406
(805) 546-2850

Board of Directors:

March 8, 2013

Dana Lilley – Chair
*SLO County Department of
Planning & Building*

Jerry Rioux – Vice Chair
*SLO County Housing Trust
Fund*

Steve Delmartini
San Luis Obispo Realty

Sheryl Flores
People's Self Help Housing

Charlie Fruit
Coast National Bank

Zeljka Howard
*Cal Poly City & Regional
Planning*

Donna Lewis
*Central Coast Mortgage
Consultants*

Julia Ogden
Habitat for Humanity

James Patterson
Interested resident

Bruce Silverberg
SLO Green Build

Scott Smith
*Housing Authority of the City
of SLO*

George Moylan in Memoriam
*Housing Authority of the City
of San Luis Obispo*

San Luis Obispo County Planning Commission
c/o Brian Pedrotti, Planner III
976 Osos Street, Room 300
San Luis Obispo, CA 93408

**SUBJECT: WORKFORCE HOUSING COALITION
RECOMMENDATIONS REGARDING SLO COUNTY
PLANNED DEVELOPMENT ORDINANCE**

The Workforce Housing Coalition (WHC) appreciates the multiple presentations provided by County staff regarding the proposed Planned Development Ordinance. The WHC believes that the County should adopt a PD ordinance that provides flexibility in its standards to enable development of quality housing for the county's workforce. After extensive review and discussion the WHC offers the following comments for your consideration.

Our primary concern is that the ordinance not be too prescriptive in matters that would be more appropriate for guidelines. For example, instead of trying to define all the fencing standards/styles, please consider just prohibiting chain link fencing.

Advisory Board:

Marguerite Bader
Health Care for All

Carl Dudley
Mission Community Bank

Leslie Halls
*SLO County Builders
Exchange*

Adam Hill
*SLO County Board of
Supervisors*

Steve Ingels
Century 21 Hometown Realty

Ermina Karim
SLO Chamber of Commerce

Craig Smith
*AIA California Central Coast
Chapter*

Vallerie Steenson
Habitat for Humanity

The ordinance should also be clear concerning when and under what circumstances a maintenance agreement is acceptable, rather than an HOA. The number of units should probably be the driving factor. We believe that maintenance agreements should be allowed for all projects with ten units or less. The smaller the project, the less likely it is that an HOA will be effective or financially feasible.

We also encourage you to exclude more projects from the common open space requirements. Small common areas are rarely used and their maintenance just becomes an added expense. First, consider increasing the number of units in smaller projects that can be excluded based on their proximity to parks or public open space. Also consider increasing the acceptable distance to a park for this exclusion. We believe that people will walk or bike more than 1320 feet to a park that offers more amenities than a small onsite common area.

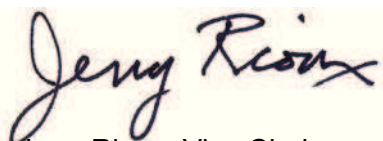
You should also consider excluding developments with larger lots (e.g., 4000 to 5000 sf) and/or larger private open space (e.g., 750 to 1000 sf) from the common open space requirement. If people have a decent private yard, they generally will not gather in the small common area.

We also see some problems with the interaction between Sections 22.22.145 and 22.30.475. For example, Section 22.30.475 G reads, "Common Community Gathering Area (CCGA). In addition to the requirements for CCGA for Planned Developments in Section 22.22.145.B1.e, a CCGA shall be provided for Small-Lot Single-Family developments as follows... (emphasis added)" Section 22.30.475 G.1. requires 300 sf per unit and Section 22.22.145 B.e.(1) requires 250 sf for every two units. Consequently, Small Lot Single Family developments, which must meet both requirements, must have 425 sf per unit, correct ?

In addition, Section 22.22.145 B.2. requires that PDs that propose "Detached Housing" in the Residential Multi-Family, Recreation, Commercial Retail and Office/Professional land use categories must be consistent with the standards of Section 22.30.475 (the Small-Lot Single-Family requirements). This means that all PDs with detached homes must have additional CCGA, are limited to heights of 28 feet (rather than the 35 feet allowed in most of these zones), and must have six feet between each structure. These requirements reduce the potential density of these projects, which seems to conflict with the County's desire to encourage smart growth and in-fill development.

We appreciate this opportunity to present our comments to you as you review and consider this new ordinance. If you have any questions about the above comments, we will be happy to answer them. I can be reached at 543-5970 and you have the email addresses of all our board and advisory

Sincerely,

A handwritten signature in black ink that reads "Jerry Rioux". The signature is written in a cursive, flowing style. The background of the signature is a light yellow rectangular area.

Jerry Rioux, Vice Chair
Workforce Housing Coalition

Jim,

While it is agreed that there is a need for a Planned Development Ordinance, and it is noted in the Staff Report that “all planned developments will be required to meet any of the local community design plans and design guidelines,” there are concerns about the current draft. This is because, as proposed, portions are not consistent with the guidelines of the Templeton Community Design Plan and the intent of the guidelines which is to “insure that every new development will carefully consider the community context in which it takes place and make a conscientious effort to develop a compatible relationship to the natural setting, neighboring properties and community design goals.” Thus, many of the “solutions” offered via the PDO are not helpful for our community. Please consider the following:

A. Per the Staff Report 2-4, the PDO is “primarily an optional development tool” with two exceptions:

Cluster divisions w/n the RSF, RMF and Rec land use categories will be processed as planned developments

- a. Our Design Plan does provide direction for clustered developments in RSF and RMF apartments, condos and attached units (not detached units). What impact, if any, would be imposed by requiring a project to abide by the PDO as currently proposed and would this be consistent with the guidelines of the TCDP?
- b. Multi-family projects that are made up of detached single-family units proposed w/n the RMF land use category must comply with the Small Lot Single Family standards.
- c. I would suggest that this not be required, and be left as optional. Otherwise, it is inconsistent with the TCDP guidelines. Keeping it optional provide an opportunity for a developer to be creative and work with the community on possible alternative design concepts that may be more in line with TCDP goals.

B. 22.22.145(B)3 Secondary dwellings permitted on a RSF with minimum lot size of 4,000 sf

- a. As understood, this is inconsistent with the TCDP due to the cumulative % footprint of improvements on a very small lot. While secondary dwellings are supported, the total footprint on the lot should not exceed 35% (see *TCDP Guideline quoted below*)

C. 22.30.145 (C) and (E) Building Height and Distance Between Structures

- a. As proposed, it is allowable to build 28’ high units 6’ apart. This is not acceptable for a community wishing to have a village, small town feel. While the guideline quoted below is in the section regarding RSF, the intended goal is applicable to all residential development in the community. A suggestion would be to require more distance between buildings according to height.
- b. *TCDP Guideline V.A.3: Percent of Building Footprint to Lot Size*
- c. *The total square footage of a house and garage footprint should not exceed 35% of the total lot size. Side setbacks should be wider than normal between residences as a priority in providing open spaces.*
- d. *Intent: Larger than normal lot sizes in subdivisions do not guarantee that the development will not look “tight” or shoe-horned in. Larger houses have been placed on these lots thereby reducing the open space per lot. Generous separations between houses will scale them to appear to be in a lower density neighborhood.*

Thank you for your time and consideration,
Rob Rosales, Templeton Resident